

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
)	
Connect America Fund)	WC Docket No. 10-90
)	

**PETITION FOR PARTIAL RECONSIDERATION OF
FARMERS TELEPHONE COMPANY OF RICEVILLE, IOWA
AND OMNITEL COMMUNICATIONS, INC.**

Farmers Telephone Company of Riceville, Iowa (“Farmers Telephone”) and OmniTel Communications, Inc. (“OmniTel”)(collectively, the “Joint Parties”), by their attorneys, hereby file this petition for partial reconsideration of the Wireline Competition Bureau’s (“Bureau’s”) January 10, 2014, Order in the above-captioned proceeding¹ in which the Bureau addressed outstanding challenges regarding the eligibility of census blocks elected by price cap carriers for the second round of Connect America Phase I. In this petition, the Joint Parties clarify the facts presented in the response filed by Farmers Telephone on September 27, 2013.² As detailed below, the facts demonstrate that the five census blocks that were the subject of the *Farmers Telephone Response*³ should be deemed as served in their entirety, and all locations with those

¹ *In the Matter of Connect America Fund*, FCC 14-32, WC Docket No. 10-90, Order (Jan. 10, 2014) (“Order”).

² See Letter from Ronald J. Laudner, President and Chief Executive Officer, Farmers Telephone Company of Riceville, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 10-90 (filed Sept. 27, 2013) (“Farmers Telephone Response” or “Response”).

³ The five census blocks are 191315602001019, 191315602001027, 191315602004140, 191315602004141, and 191315602004150.

census blocks should be ineligible for Phase I support, not just those portions of the census blocks where Farmers Telephone operates as a rate-of-return carrier, as the Bureau found.

The *Farmers Telephone Response* focused on five census blocks in Iowa elected by Windstream Corporation (“Windstream”) after Windstream, on the basis of evidence of a lack of porting, challenged the status of those blocks as “served” as shown on the National Broadband Map. In the *Response*, Farmers Telephone provided detailed maps of the census blocks depicting that Farmer Telephone had deployed fiber facilities passing all addresses within the study areas.⁴ Farmers Telephone also explained that broadband service was being offered meeting the Commission’s 3 Mbps downstream and 768 kbps upstream thresholds upon which the determinations of eligibility for support were made. Notably, in its November 4, 2013, reply to the *Farmers Telephone Response*, Windstream noted that it did not dispute Farmers Telephone’s challenge to the eligibility of Connect America Phase I funding in those five census blocks.⁵

In the *Order*, however, the Bureau, based on its own records, concluded that broadband was not being provided over fiber facilities that Farmers Telephone had installed, at least within those locations where Windstream was operating within in the five census blocks. The Bureau found that Farmers Telephone, a rate-of-return carrier, was only providing service within its own territory. In other words, the Bureau assumed that Farmers and Windstream operated in the

⁴ See *Farmers Telephone Response*, Attachment 2. The *Farmers Telephone Response* explained that the broadband facilities had been deployed using funding provided by the Rural Utilities Service (“RUS”) Broadband Initiatives Program (“BIP”). *Id.* at 1.

⁵ See Reply Comments Of Windstream Corporation, filed in WC Docket No. 10-90, at 24 & n. 57 (dated Nov. 4, 2013). Citing the *Farmers Telephone Response*, among other specific responses, Windstream stated that “[a] few of the challengers have filed evidence that appears to have fulfilled their burden by providing valid certifications accompanied by detailed maps of networks and customer locations, specific account information and/or billing records. Based on this evidence, Windstream does not oppose these challenges.” *Id.*

same census blocks but did not compete.⁶ Accordingly, the Bureau determined that those areas of the census blocks not served by Farmers “will be treated as unserved for purposes of the second round of Connect America Phase I and therefore those areas are eligible for funding.”⁷

Upon review of the *Order*, it is clear to the Joint Parties that the facts concerning the services provided using the Farmers Telephone broadband facilities in these five census blocks need to be clarified. In particular, using the BIP grant money received from the RUS, Farmers Telephone has built out broadband facilities throughout the entire area within the five census blocks such that broadband service is now offered to all locations in the blocks. Attachments A and B, appended hereto, replicate the earlier Attachment 2 to the *Response*, except that the census block boundaries are more clearly shown (in blue). Each existing service address in the five census blocks, which are all shaded, is shown, as well as the Farmers Telephone fiber (in green). The magenta lines indicate where drops connecting the addresses to the fiber enclosures (in green) are either installed today or could be put in place expeditiously upon receipt of a service request.⁸

In areas of these census blocks served by Farmers Telephone as a rate-of-return carrier, it operates and provides high-speed broadband service at speeds far in excess of 4/1 Mbps. In all other areas within the five census blocks, *i.e.*, those served by Windstream, although Farmers Telephone owns the broadband facilities, its commonly-owned affiliate, OmniTel, uses these facilities to offer broadband service – in excess of the 3 Mbps/768 kbps thresholds – in addition

⁶ *Order* ¶ 132.

⁷ *Id.* ¶ 133.

⁸ If the Bureau would find it useful to know to what locations Farmers Telephone or OmniTel have actual drops in place between the premises and the fiber enclosures, the Joint Parties are prepared to provide that information under cover of a request for confidential treatment. The Joint Parties submit that the facts as clarified herein adequately demonstrate that the entirety of the five census blocks discussed above are served.

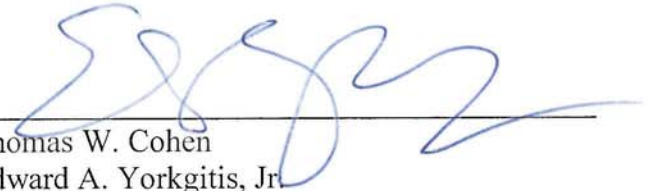
to competitive local exchange services in competition with Windstream. Each of the Joint Entities provides services under the business name “OmniTel Communications.” Significantly, in response to a new request for broadband service from any prospective customer located within the five census blocks, either Farmers Telephone or OmniTel – depending on whether the customer is located within Farmers Telephone’s rate-of-return carrier operating territory or outside it, respectively – will be able to initiate service within a commercially reasonable time frame, approximately seven-to-ten business days after receiving the request. In other words, OmniTel offers broadband service using the Farmers Telephone fiber throughout those portions of the census blocks falling outside Farmers Telephone and within Windstream’s service territory.

In sum, given this clarification of the facts presented in the *Farmers Telephone Response*, the Joint Parties submit that the portions of these five census blocks – 191315602001019, 191315602001027, 191315602004140, 191315602004141, and 191315602004150 – falling within Windstream’s operating territories are indeed served. Thus, the Bureau should reconsider its *Order*, in part, and deem these census blocks as served in their entirety. The Bureau, therefore, also should find that the locations within Windstream’s operating territory falling in these five blocks are ineligible for Phase I, second round support. Reconsideration will serve the

public interest because it will ensure that Connect America Phase I funds are not awarded to Windstream in areas that are already served with qualifying broadband service.

Respectfully submitted,

**FARMERS TELEPHONE COMPANY OF
RICEVILLE, IOWA, AND
OMNITEL COMMUNICATIONS, INC.**

A handwritten signature in blue ink, appearing to read 'T. Cohen', is written over a horizontal line.

Thomas W. Cohen
Edward A. Yorkgitis, Jr.
Kelley Drye & Warren LLP
3050 K Street, NW
Suite 400
Washington, D.C. 20007
Telephone: (202) 342-8518
Facsimile: (202) 342-8451
tcohen@kelleydrye.com
cyorkgitis@kelleydrye.com

Their attorneys

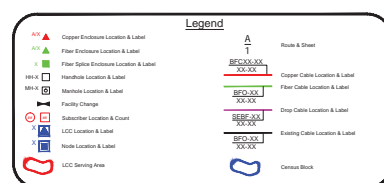
Dated: February 7, 2014

VERIFICATION

I, Ronald J. Laudner, Jr., am President and Chief Executive Officer of both Farmers Telephone Company of Riceville, Iowa and OmniTel Communications, Inc. I am authorized to represent both companies and to make this verification on their behalf. I have reviewed the foregoing Petition for Reconsideration of Farmers Telephone Company of Riceville, Iowa and OmniTel Communications, Inc. ("Petition"), and hereby verify that the statements of fact contained in the Petition are true and correct to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct on this __7th__ day of February, 2014.

Ronald J. Laudner, Jr.



191315602004141

191315602001019

